

### **REMARKS**

The final Office Action, mailed February 23, 2006, considered claims 1-5 and 36-43. Claims 1, 3, 5, 36, 37, and 43 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sankuratripati et al. (U.S. Patent Publ. No. 2002/0029267). Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sankuratripati et al. (U.S. Patent Publ. No. 2002/0029267) in view of Patel (U.S. Patent Publ. No. 2004/0235463). Claims 38-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sankuratripati et al. (U.S. Patent Publ. No. 2002/0029267) in view of Gerdes et al. (U.S. Patent Publ. No. 2003/00465411). Claim 41 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sankuratripati et al. (U.S. Patent Publ. No. 2002/0029267) in view of Kunigita (U.S. Patent No. 6,836,727). Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sankuratripati et al. (U.S. Patent Publ. No. 2002/0029267) in view of Tinsley et al. (U.S. Patent Publ. No. 2003/0043191).<sup>1</sup> In addition, claim 36 was rejected under 35 U.S.C. § 112, second paragraph, for failing to provide a proper antecedent basis; however, the §112 rejection is now moot in view of the amendment made to claim 36.

By this paper, claims 1 and 36 have been amended and claims 44 and 45 have been added, while no claims have been cancelled.<sup>2</sup> Accordingly, following this paper, claims 1-5 and 36-45 are pending, of which claim 1 is the only independent claim at issue.

The present invention is directed to embodiments in which a server selects a user interface that controls what information is delivered to a user, and how the information is delivered, so as to deliver information is contextually relevant to the user. As recited in claim 1, for example, the server receives information identifying a physical location of a mobile device that is being used by a mobile user. The server further receives identification of the mobile user from the mobile device as well as a time indicator. At the server, aggregate user preferences corresponding to user preferences or usage data are retrieved based on the received identification. The server then, from a plurality of available user interfaces, selects at least one user interface that is to be communicated to the mobile user's mobile device based on a determination of which user interfaces are relevant according to the aggregate user preference data. The user interface that is communicated can thus be used as a template for controlling what additional information to present at the mobile device and can present

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for the claim amendments is found throughout the specification, including, but not limited to, the disclosure found in paragraphs 11 and 27 of the original application.

the information according to a format dictated by the user interface that was communicated to the client. As also clarified in the above claims, at least two interfaces may be provided to the mobile user which are blended to present the additional information on the mobile device (claim 44), and the additional information may include information other than advertising (claim 45).

While Sankuratripati is generally directed to providing information to a wireless device based on user preferences, Applicants respectfully submit that Sankuratripati fails to teach or suggest the claimed invention. For instance, the cited art fails to disclose or suggest a server which selects a user interface to be sent to a mobile device based on user preference data, where the user interface acts as a template for controlling what additional information to present at the mobile device and according to a format dictated by the user interface, as claimed in combination with the other recited claim elements.

Instead, Sankuratripati discloses a targeted advertising system in which a service provider organizes user preferences and wherein a server thereafter selects an advertisement which is then presented to the user based on the user's preferences. (¶¶ 11, 18). In the disclosed system, multiple content servers provide various types of content which is ultimately distributed to Internet users. (¶¶ 30-35). As the users access the content from the server, they do so through a cobrand server (CBS) which collects and records data about the user's activity over the Internet, generates user demographics, and associates the data with a user ID. (¶¶ 35-37, 41, 44, 74).

An advertisement server is also included in the system and uses a software application to condense user profiles into data lists of categorized preferences. (¶¶ 16, 60, 63, 74). Advertising partners also provide advertisements to the advertising server, and the advertisements are collected and classified according to preference categories. (¶¶ 17, 57, 58, 76). Thereafter, when a user then logs into a web page served by the advertisement server, a generated preference list is used to match an advertisement to the user, and the selected advertisement is routed to the user as a banner advertisement, pop-up advertisement, or in some other format. (¶¶ 17, 64, 78).

Accordingly, while Sankuratripati teaches using user preferences to select and deliver targeted advertising, Applicants respectfully submit that Sankuratripati fails to teach or suggest a system which operates in the claimed manner. For instance, among other things, Sankuratripati fails to teach or suggest a server selecting a user interface that is communicated to a mobile device and used by the mobile device as a template for controlling what additional information to present at the mobile device and the format in which to present that information, as claimed in combination with the other recited elements. Instead, Sankuratripati teaches that ads are provided according to user

preferences, but the selected ads do not appear to act as a template for additional information, control additional information presented to the user, or define the format for presenting the additional information.

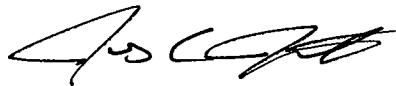
Applicants further note that Sankuratripati teaches selecting advertising and presenting them to a user of a PC or mobile device, but fails to teach wherein at least two user interfaces are blended in presenting the additional information at the mobile device (claim 44), or wherein the user interface that is communicated to the mobile device controls information that is not advertising (claim 45).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should it arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine references with the other art of record.

For at least the foregoing reasons, Applicants respectfully submit that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds and remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 23<sup>rd</sup> day of May, 2006.

Respectfully submitted,



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